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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,689	02/08/2002	Tobias Lewenstein		2524

7590 01/13/2005

Tobias Lewenstein  
1516 W. Sunset Ridge Place  
Tucson, AR 85737

EXAMINER

WEBB, JAMISUE A

ART UNIT PAPER NUMBER

3629

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**RECEIVED**  
JAN 26 2005  
**GROUP 3600**

## Office Action Summary

Application No.

10/072,689

Applicant(s)

LEWENSTEIN, TOBIAS

Examiner

Jamisue A. Webb

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 9/17/02 fails to comply with 37 CFR 1.98(a)(1), which requires a list of all patents, publications, or other information submitted for consideration by the Office. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Claim Rejections - 35 USC § 101***

Claims 1-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis for this rejection is set forth in a two-prong test of:

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the “progress of science and the useful arts” (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For a process claim to pass muster, the recited process must somehow apply, involve, use or advance the technological arts.

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In the present case, claims 1-20 only recite an abstract idea. The recited steps of merely conveying travelers by air and transporting articles of non-carry-on luggage to one or more locations, does not apply, involve, use or advance the technological arts since all of the recited steps can be performed in the mind of the user or by use of a pen and paper. These steps only constitute an idea of how to transport travelers separate from their baggage.

Additionally, for a claimed invention to be statutory, the claimed must produce a useful, concrete, and tangible result. In the present case, the claimed invention produces a method of travelers being transported separately from their baggage for security purposes (i.e., useful and tangible).

Although the recited process produces a useful, concrete, and tangible result, since the claimed invention, as a whole, is not within the technological arts as explained above, claims 1-20 are deemed to be directed to non-statutory subject matter.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Panek (US 2003/0120510).

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4. With respect to Claims 1 and 13: Panek discloses the use of a method for rendering air-travel-service (see abstract) comprising the steps of:
  - a. conveying passengers by air to a predetermined location , in which the aircraft is devoid of non-carry-on luggage belonging to any traveler on the aircraft (page 1, paragraph 0011),
  - b. transporting articles of non-carry-on luggage to predetermined location on a conveyance, other than the aircraft that is carrying the passengers (see abstract).
5. With respect to Claims 2 and 14: See Page 1, Paragraphs 0013 and 0014.
6. With respect to Claim 3: See Page 2, Paragraph 0024.
7. With respect to Claims 4, 5, 15 and 16: Page 2, Paragraph 0024.
8. With respect to Claims 6 and 17: Page 1, Paragraph 0018 to Page 2, Paragraph 0021.
9. With respect to Claims 7 and 18: See Page 2, Paragraphs 0021-0022.
10. With respect to Claims 8, 9, 19 and 20: Page 1, Paragraph 0018.
11. With respect to Claim 10-12: See Page 2, Paragraphs 0021-0023.

### *Conclusion*

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Quackenbush et al. (2003/0100973 and 6,512,964) discloses the use of a baggage transportation method, where a separate party transports the baggage to the airport and flight of the traveler, Ananda (US 2004/0199403) discloses the use a method for transporting baggage separately from passenger, Lanigan, SR. (US 2003/0061085) discloses the use of an air travel system with baggage that is decoupled from the actual passengers, Bravman et al. (5,866,888)

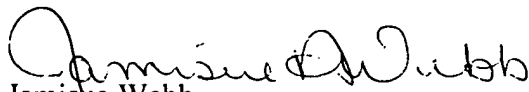
Art Unit: 3629

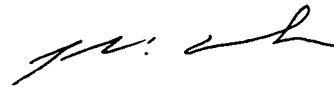
discloses the use of luggage control system, Manabe et al. (6,594,547) discloses the use of a baggage managing system, and Golf Bag Shipping ([www.golfbagshipping.com](http://www.golfbagshipping.com)) discloses the use of a company that will pick-up a travelers golf-clubs, and ship them to a desired destination so the traveler does not have to carry them to an airport.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamisue A. Webb whose telephone number is (703) 308-8579. The examiner can normally be reached on M-F (7:30 - 4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jamisue Webb

  
JOHN G. WEISS  
SUPERVISOR/ PATENT EXAMINER  
TECHNOLOGY CENTER

**Notice of References Cited**

Application/Control No.

10/072,689

Applicant(s)/Patent Under  
Reexamination  
LEWENSTEIN, TOBIAS

Examiner

Jamisue A. Webb

Art Unit

3629

Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,594,547	07-2003	Manabe et al.	700/227
	B	US-2003/0120510	06-2003	Panek, Gregg	705/1
	C	US-6,512,964	01-2003	Quackenbush et al.	700/226
	D	US-5,866,888	02-1999	Bravman et al.	235/375
	E	US-2003/0061085	03-2003	Lanigan, John SR.	705/8
	F	US-20040199403	10-2004	Ananda, , Mohan	705/1
	G	US-2003/0100973	05-2003	Quackenbush et al.	700/226
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	Panek, Gregg, System for Prior Day Shipping of Passenger Baggage, 12/21/01, Provisional Application 60/343,451 of PG Publication 10/324,370
	V	Gof Bag Shipping (www.golfbagshipping.com), Home Page, USing GBS, How the Process Works, Shceduling a Pick-up and FAQs. As archived on April 6, 2001.
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)

Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

"Express Mail" mailing label number EL 500 982 792 US

Date of Deposit: December 21, 2001

Our Case No.11323/3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
APPLICATION FOR UNITED STATES LETTERS PATENT

INVENTOR: Gregg Panek

TITLE: SYSTEM FOR PRIOR DAY  
SHIPPING OF PASSENGER  
BAGGAGE

ATTORNEY: Justin B. Rand  
Reg. No. 48,552  
BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200



# **SYSTEM FOR PRIOR DAY SHIPPING OF PASSENGER BAGGAGE**

## **ABSTRACT OF THE DISCLOSURE**

The present invention relates to a new method for shipping the baggage of airline passengers to their destination.

5

## **BRIEF DESCRIPTION OF THE DRAWING**

The figure shows a flow chart detailing the steps of the present invention.

## **BRIEF DESCRIPTION OF THE INVENTION**

At least the day before traveling, travelers would be required to either take their bags to the airport or to an off site area. It would also be possible to use a service to have the baggage picked up at least the day before. There would preferably be a 4pm deadline, but presently package delivery services ship all goods overnight with a 9pm deadline, so a later deadline could still be practical.

The airlines would then combine all luggage going to the same or multiple cities and transport it to the destination using a cargo plane or converted passenger plane during the evening. The baggage would be ready for the incoming passengers as their flights arrive.

## **DETAILED DESCRIPTION OF THE INVENTION**

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An airline passenger would book a flight in a conventional manner, such as with the airline, through a travel agent, or online. An airline ticket would be issued.

25

If the ticket is purchased up to one week in advance, the airline would schedule the pickup and/or delivery of the baggage. The airline will set up baggage delivery from the passenger's home or hotel with a designated lockout time for baggage to be ready the day before the passenger's flight. The airline would reimburse the ground carrier of the baggage for fees.

If the ticket is purchased less than one week in advance, passengers would arrange ground transportation for the baggage at their own expense.

The passenger could drop off the baggage at a designated location such as UPS, FEDERAL EXPRESS, a United States Postal Office, or another designated location near the airport. Alternatively, the passenger could arrange for a pick-up via an expedited service. The passenger could also call a carrier to arrange for a pickup at their home, hotel or other location.

Upon pickup by a carrier or drop off by the passenger, the baggage will be labeled and a receipt will be left with the passenger. The receipt will have an identification or locator number. This label can have a bar code to enable the passenger to go online to track their baggage.

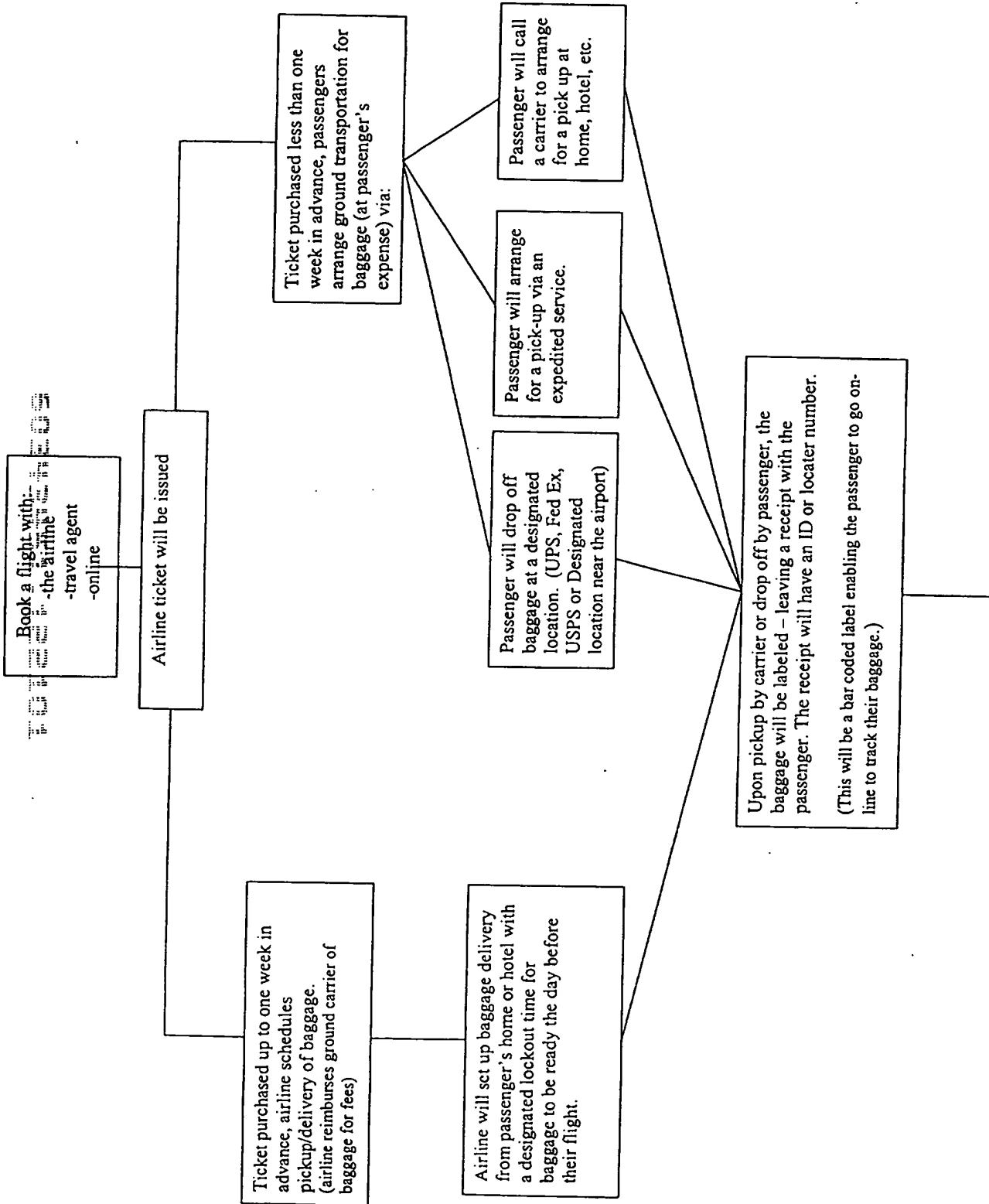
The carrier will deliver the baggage to the airport or designated baggage area for shipment via a cargo plane, an unused passenger plane, van, truck or other shipping method. Vans or trucks could be used for short distances. These shipping methods could make multiple stops, dropping off baggage at the appropriate destinations. For example, some baggage could be transferred to the first stop per itinerary, some baggage could be transferred to an intermediary stop per itinerary, and some baggage could be transferred to a final stop per itinerary.

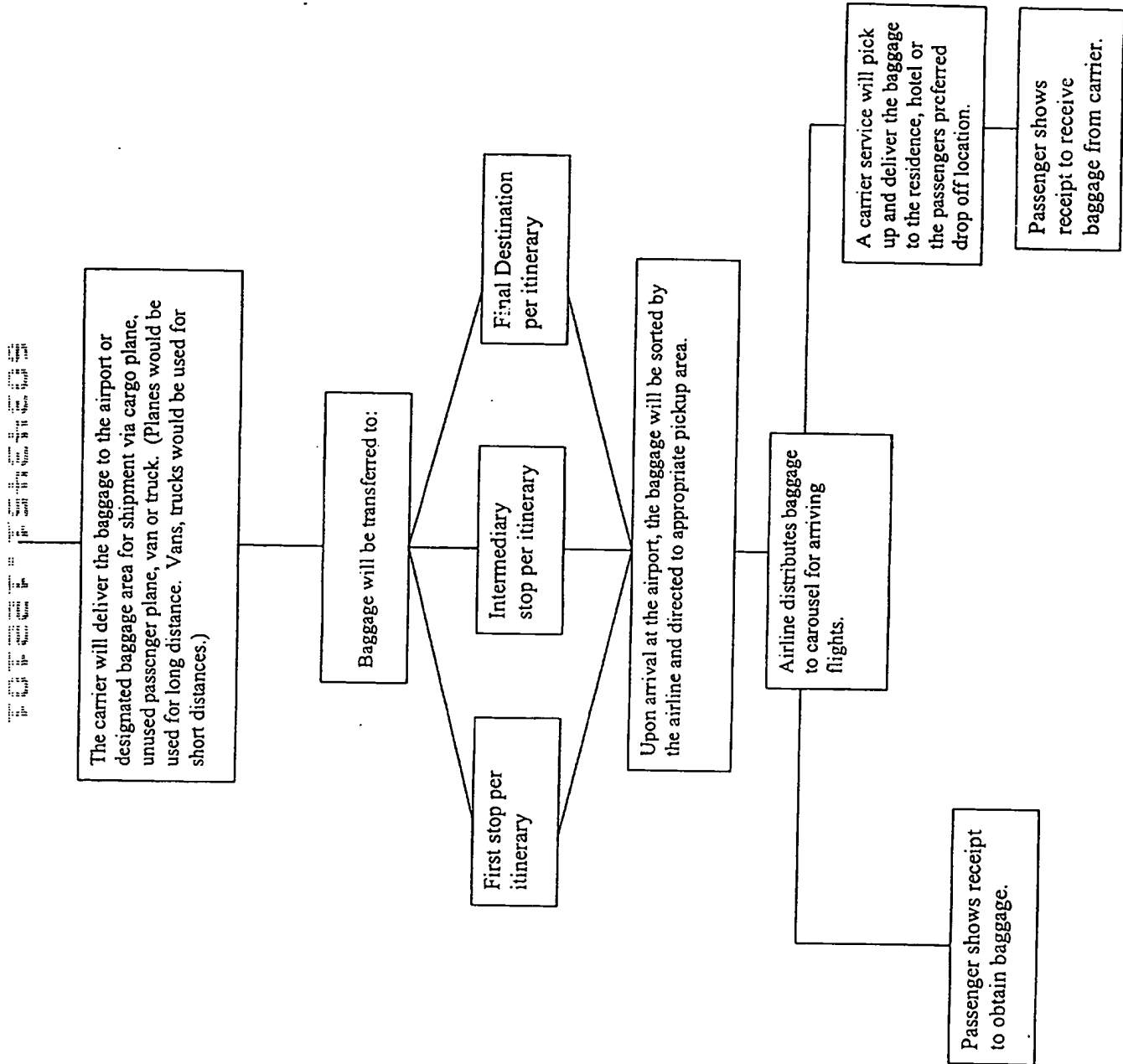
Upon arrival at the destination airport, the baggage will be sorted by the airline and directed to the appropriate pickup area. The airline will distribute the baggage to a carousel for arriving flights. The passenger could show their receipt to obtain their luggage or a carrier service will pick up the baggage and deliver the baggage to a residence, hotel or the passenger's preferred drop off location. When the carrier drops off the baggage, the passenger will show the receipt to receive the baggage from the carrier.

This system would result in immense savings in time for ticket agents and they could spend more time screening passengers and asking intelligent questions. The safety of everyone would be increased tremendously since all major luggage would be eliminated from passenger flights. Carry on bags would still be allowed on flights, so that passengers could still have necessities with them. The planes would be lighter and require less fuel. The cost of extra cargo flights is an added expense, but the safety would outweigh any increase in cost.

A whole new industry would be developed regarding picking up luggage. Reusable packaging of bags or even new types of luggage may be developed to accommodate this new system. Airport departure ramps would become less crowded. Skycap services could still be used when retrieving baggage.

If a traveler has multiple stops, it would be possible to get expedited service of the baggage to the next destination via other smaller cargo carriers on the same day. This method will also eliminate the long lines at check in counters and allow travelers to again arrive at airports only one hour before traveling. The cost savings in time that is currently wasted could be immense. This would also work on international flights.





## Home Page

Wednesday, August 16, 2000 9:55 AM PST



**Golf Bag Shipping (GBS)** ships your golf clubs by 2nd day air anywhere in the U.S., including Alaska and Hawaii and by 5 day air to England, Scotland, Ireland and Canada. Whether your next golf match is related to business or leisure, have your golf clubs automatically sent, instead of carrying them on the airplane and everywhere you go. Now you can enjoy playing with your own golf clubs without the travel hassles!

### Find Your Price

Required fields are marked†.

Enter the origination ZIP Code†

Enter the destination ZIP Code†

How many bags will you be shipping?†

Will this be a round trip shipment?†

Yes No

How much insurance coverage would you like? \$100 is included. Additional insurance can be purchased at the rate of \$1 per \$100 of coverage.

--- Insurance --- ☐

When would you like the bags to be picked up?†  
Enter date in 'mm/dd/yy' format.

12 - 3 PM ☐


### ROUND TRIP ONLY:(RETURN)

When would you like the bags to be picked up?  
Enter in 'mm/dd/yy' format

12 - 3 PM ☐

For Price

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**FAQ's**  
track a package  
GBS promotions  
referral program

Thursday, November 09, 2000 3:50 AM PST

## Using GBS

**Order Now**  
To ship your clubs, [book online](#) or call the GBS reservation center at 1-888-Golf-4-me (1-888-465-3463). Book online now and receive a custom GBS Soft Travel Cover Bag **FREE!**

**Shipping tip**  
This service is door-to-door! If you can't wait at home for the pick-up person? Schedule the pickup at a place convenient for you... for example, your workplace or golf country club.

**Here's How to Ship Your Bag**  
For more information on:

1. [About our service](#)
2. [How the process works](#)
3. [Pricing and insurance](#)
4. [Inside the shipping kit](#)
5. [Placing and sealing your golf bag in the SPC](#)
6. [Shipping guidelines](#)
7. [Packing suggestions](#)
8. [Scheduling and rescheduling a pickup](#)

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Thursday, November 09, 2000 3:47 AM PST

## How The Process Works

### Simple and Easy

Here's how to ship your bag:

1. Contact the GBS reservation center. Please have your pick-up and delivery address and credit card information available. To avoid additional charges for expedited delivery of the shipping kit, please place your order 5 (five) business days in advance.
2. A shipping kit, including an airway bill and special plastic container (SPC), will be sent to you. We recommend covering your golf bag in a light soft travel cover bag and then into the SPC for shipment.
3. On the scheduled date, a courier will pick up the SPC. We'll handle the rest. Your golf clubs will be delivered to your destination in 2 business days (5 business days for international destinations). That's it.

If you are ready to ship:

- o [Book online](#) or
- o Call our GBS Reservation Center at 1-888-465-3463 (1-888-Golf-4-Me)

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Monday, April 09, 2001 1:15 PM PST

## Scheduling and Rescheduling a Pick-up

### Scheduling a pick-up

When you make your purchase online or by calling the GBS reservation center, you will be asked to give your desired pickp date. You should schedule the pick-up at least 2 business days (and preferably 5 business days) in advance of the pickup date.

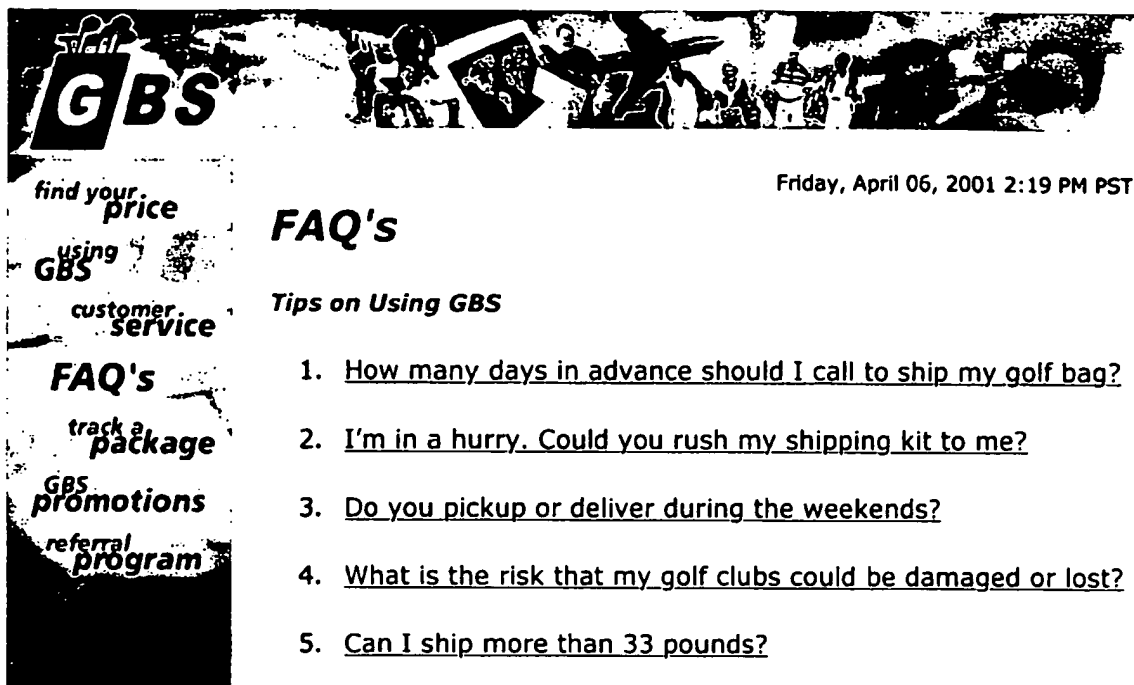
### Reschedule a Pick-up

If you have a change in itinerary and need to reschedule, please call GBS two business days prior to the pick-up date. You will not be charged. Any changes made within two business days prior to the pickup date will incur a rescheduling fee of \$10 dollars which will be charged to your account.

### Cancelling a Shipment

To obtain a refund please see our online customer service page for instructions.

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Friday, April 06, 2001 2:19 PM PST

## FAQ's

### Tips on Using GBS

1. How many days in advance should I call to ship my golf bag?
  2. I'm in a hurry. Could you rush my shipping kit to me?
  3. Do you pickup or deliver during the weekends?
  4. What is the risk that my golf clubs could be damaged or lost?
  5. Can I ship more than 33 pounds?
  6. How much is the surcharge to Alaska and Hawaii?
  7. Can I ship my bags overnight?
  8. How many shipping kits should I order if I'm going on a round trip?
1. **How many days in advance should I call to ship my golf bag?**

To avoid extra charges, we recommend that you order your purchase at least five (5) business days in advance of the pick-up date.

[Return to top of page.](#)

2. **I'm in a hurry. Could you rush my shipping kit to me?**

Yes. We can send it by one business day express mail for an additional charge of \$15.00 for morning delivery or \$10.00 for afternoon delivery.

[Return to top of page.](#)

3. **Do you pickup or deliver during the weekends?**

We can't schedule a pick-up during non-business days such as weekends or holidays. However we can deliver on Saturdays for an additional fee of \$10.00.

[Return to top of page.](#)

4. **What is the risk that my golf clubs could be damaged or lost?**

As with airlines and other commercial transportation, nothing is 100% guaranteed. However, with a Tracking System, a uniquely designed container, and specialized handling, GBS minimizes the chance of loss, damage or theft.

[Return to top of page.](#)

**5. Can I ship more than 33 pounds?**

The standard pricing is for golf bags weighing 33 pounds or less. All golf bags over 33 pounds will incur an additional \$2.00 charge per pound for each additional pound.

[Return to top of page.](#)

**6. How much is the surcharge to Alaska and Hawaii?**

The surcharge varies between carriers and their seasons. Generally, there will be a \$10.00 surcharge unless otherwise stated.

[Return to top of page.](#)

**7. Can I ship my bags overnight?**

Yes. We have special rates to accomodate overnight shipments. Contact Reservations for rates and special handling.

[Return to top of page.](#)

**8. How many shipping kits should I order if I'm going on a round trip?**

You should order a shipping kit for each travel segment. For a round trip, you have two travel segments therefore you should order two shipping kits. Be sure to take the second shipping kit with you for the return segment.

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